

# **Foundation Trustees and Foundation Governors**

## **Relationships and Responsibilities**



# Governing Bodies – VA Schools 1

- Composition
  - Foundation Governors – who may always exceed the total number of other governors by 2
  - Elected Parent Governors
  - Elected Staff Governors
  - LEA Governor
  - Co-opted Governors
- Actual numbers are set out in the school's Instrument of Government but the maximum size is 20 plus any co-opted governors



# Governing Bodies – VA Schools 2

## Core Functions:

- Strategic Leadership: Defining the school's vision, values, aims, and strategic direction, setting policies, and planning for improvement
- Accountability: Holding the Headteacher accountable for the educational performance of the school and its pupils, and ensuring effective staff performance management.
- Financial Oversight: Ensuring the school's money is spent effectively and efficiently, overseeing financial performance, and approving budgets.



# **Governing Bodies – VA Schools 3**

## **Key Responsibilities:**

- Maintaining religious ethos of the school
- Admissions
- Safeguarding & Wellbeing
- Stakeholder Engagement
- Resource Management
- Policy Setting
- Monitoring & Evaluation



# Foundation Trusts - VA Schools

## The Foundation Trust

- May hold land for the purposes of the school which it leases/licenses to the school formally or informally
- Appoints Foundation Governors
- May be the Religious Authority for the school
- Has right to be consulted on admission arrangements



# Fund-raising

- If a Foundation Trust is involved in fund-raising
  - They may fund-raise from third parties and parents for specific purposes such as a new building or minibus
  - If they fund-raise by way of inviting parental voluntary contributions they should
    - Observe the legal requirements around this, in particular by making it clear in all communications with parents that no child will be treated differently according to whether their parent does or does not make any contribution
    - Avoid indicating specific purposes to which the money raised will be applied. Best practice is simply to raise funds for the school's general purposes so that it is clear that the school Governors/Trustees have full discretion



# Foundation Governors

- Are appointed and may be removed by the Foundation Trust
- Have particular responsibility for seeing that the religious ethos of the school is maintained
- May consult with and report to the Foundation Trust
- Have same responsibilities as all other governors – to act as they consider to be in the best interests of the school
- May not accept direction from the Foundation Trust



# Foundation Trustees

- Are Trustees of the Foundation Trust
- Play no direct part in the governance or management of the school but are entitled to be consulted on admission arrangements
- Exercise their influence through consultation and ultimately through the power to appoint and remove of Foundation Governors
- May not give directions to Foundation Governors but may advise
- May only remove a Foundation Governor for good cause but are not obliged to reappoint at the end of a Foundation Governor's term of office
- May propose closure of the school or remove right to occupy the school property – the nuclear option



# Academies - 1

- May be single academy or multi-academy trust
- In either case control rests with the academy trust which is a charitable company limited by guarantee with Members and Trustees. The Trustees are the Directors of the company
- A faith-based academy trust will have a Foundation Trust which has essentially the same powers, function and relationship as in a VA school. The Foundation Trust may be the sole Member of the Academy Trust or will appoint the Member(s)
- The Member(s) appoint and remove the Trustees



# **Academies - 2**

In a multi-academy trust the Academy Trust is the over-arching control company and the individual academies report to the Academy Trust via their Local Governing Committee, previously known as the Local Governing Body



# General Principles

- Governors/Trustees of individual schools govern, they do not manage. In all cases day to day management is the responsibility of the headteacher or chief executive
- Governors/Trustees cannot accept instructions from any third party as to how they do their jobs.
- Foundation Trustees must keep in mind that the school is their charitable beneficiary and must always act with what they consider to be in the best interests of the school. This may require detailed consultation with the school Governors/Trustees

